

### **Remarks**

Claims 1-42 are pending in the present application for a valve assembly for pressurized fluid vessel, of which claims 1-9, 11-16, 18-21, 23, 25-28, and 31-35 are rejected and claims 10, 17, 22, 24, 29, 30 and 36-42 are objected to. By this paper, Applicant has amended claims 2, 7, 12, 17, 20, 22, 24, 25, 28, 32, 33 and 37. By this paper, Applicant has also canceled claims 1 and 31. Applicant has amended the specification to overcome informalities including typographical errors and omitted reference numerals. Applicant has also amended Figures 2 and 8 to include omitted reference numerals. Specifically, reference numeral 22 was inadvertently omitted from Figure 2 and reference numerals 34 and 304 were inadvertently omitted from Figure 8.

### ***Claim Rejections § 102***

#### **Phillips et al. U.S.P.N. 2,731,030**

The Examiner has rejected claims 1-3, 11-16, 18 and 31-32 under 35 U.S.C. § 102(b) as being anticipated by Phillips et al.

By this paper, claim 1 has been canceled.

Claim 2 has been amended to depend from claim 24, which the Examiner has indicated would be allowable if rewritten in independent form including the base claim and any intervening claims. Claim 24 has been amended as suggested by the Examiner. Therefore, claim 2 is not anticipated by Phillips et al. by depending from an allowable claim.

Claims 3 and 11 depend from claim 2 and therefore are not anticipated by Phillips et al. for at least the reasons stated above with reference to claim 2.

Claim 12 has been amended to depend from claim 24. Therefore, claim 12 is not anticipated by Phillips et al. because claim 24 is allowable over Phillips et al.

Claim 13 and 14 depend from claim 12 and therefore are not anticipated by Phillips et al. for at least the reasons stated above with reference to claim 12.

Claims 15, 16 and 18 depend from claim 2 and therefore are not anticipated by Phillips et al. for at least the reasons stated above with reference to claim 2.

Claim 31 has been canceled.

Claim 32 has been amended to depend from claim 37, which the Examiner has objected to as being allowable. Claim 32 is not anticipated by Phillips et al. because claim 37 has been rewritten as suggested by the Examiner in allowable form including all of the limitations of the base claim and any intervening claims.

**Hudson U.S.P.N. 4,013,091**

The Examiner has rejected claims 1-3, 11-13, 15 and 31-32 under 35 U.S.C. § 102(b) as being anticipated by Hudson.

By this paper, Applicant has canceled claim 1.

Claim 2 has been amended to depend from claim 24, which the Examiner has objected to as being allowable if rewritten in independent form. Claim 24 has been rewritten as suggested by the Examiner and therefore claim 2 is not anticipated by Hudson for at least the reasons for the indication of allowability of claim 24.

Claims 3 and 11 depend from claim 2 and therefore claims 3 and 11 are not anticipated by Hudson for at least the reasons stated above with reference to claims 2.

Claim 12 has been amended to depend from claim 24, which the Examiner has objected to as being allowable if rewritten in independent form. Claim 24 has been rewritten as suggested by the Examiner and therefore claim 12 is not anticipated by Hudson because claim 12 depends from an allowable claim.

Claim 13 depends from claim 12 and therefore is not anticipated by Hudson for at least the reasons stated above with reference to claim 12.

Claim 15 depends from claim 2 and therefore is not anticipated by Hudson for at least the reasons stated above with reference to claim 2.

Claim 31 has been canceled by this paper.

Claim 32 has been amended to depend from claim 37, which the Examiner has indicated would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant has rewritten claim 37 as suggested by the Examiner and therefore claim 32 is not anticipated by Hudson.

**Gil U.S.P.N. 6,035,888**

The Examiner has rejected claims 1-8, 11-12, 14-16, 18, 20-21, 25-28 and 31-35 under 35 U.S.C. § 102(b) as being anticipated by Gil.

Claim 1 has been canceled.

Claim 2 has been rewritten to depend from claim 24, which the Examiner has indicated would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claim 24 has been rewritten in independent form as suggested by the Examiner and therefore claim 2 is not anticipated by Gil.

Claims 3-6 depend from claim 2 and therefore are not anticipated by Gil for at least the reasons stated above with claim 2.

Referring to claim 7, which is now written in independent form including the base claim and any intervening claims, the Examiner has relied upon element 54 of Gil as satisfying the limitation of claim 7 recited below:

wherein the valve member is generally in the form of an upturned cup having an upper face disposed within the chamber-defining member and exposed to pressurized fluid on opening of the secondary valve, and a depending skirt at least a lower region of which protrudes from the chamber-defining member into the main fluid passageway in the closed position.

The Examiner relies on element 54 of Gil for satisfying the limitation that the valve member is in the form of an upturned cup. Although element 54 includes an upper face and a member extending therefrom, the member is not a depending skirt and is inboard of the face, which is uncharacteristic of the form of a cup. Therefore, claim 7 does not read on Gil and thus, is not anticipated thereby.

Claim 8 depends from claim 7 and therefore is not anticipated by Gil for at least the reasons stated above with reference to claim 7.

Claim 11 depends from claim 3 and therefore is not anticipated by Gil for at least the reasons stated above with reference to claim 3.

Claim 12 has been amended to depend from claim 24, which the Examiner has indicated would be allowable if rewritten in independent form. Since claim 24 has been amended as suggested by the Examiner, claim 12 is not anticipated by Gil.

Claims 13 and 14 depend from claim 12 and therefore are not anticipated by Gil for at least the reasons stated above with reference to claim 12.

Claims 15, 16 and 18 depend from claim 2 and therefore are not anticipated by Gil for at least the reasons stated above with reference to claim 2.

Referring to claim 20, claim 20 has been rewritten in independent form including the base claim and any intervening claims. Claim 20 requires "the chamber-defining means comprises an inverted cup-like hollow body defining an opening in the upper surface facing into said main fluid passageway." Element 40 of Gil provides a chamber having openings in its side surfaces at 34, rather than at its upper conical surface at 40. Therefore, claim 20 fails to read upon Gil and is not anticipated thereby.

Claim 21 depends from claim 20 and therefore is not anticipated by Gil for at least the reasons stated above with reference to claim 20. Additionally, claim 21 requires:

wherein the main valve member comprises a cup-like member slidably disposed within the mouth of the inverted cup-like body with a lower periphery extending into said main fluid passageway and abutting the valve seat in the closed position.

Although element 54 of Gil is slidable, it is not a cup-like member. Additionally, the lower periphery of 54 extends into said main fluid passageway but does not abut the valve seat in the closed position. Therefore, claim 21 is not anticipated by Gil.

Claim 25 has been rewritten in independent form including all the limitations of the base claim and intervening claims. Claim 25 requires "an enclosure having an upper portion of reduced lateral dimension defining an opening into the main fluid passageway." Although element 40 of Gil has a conical surface with reduced lateral dimension, there is no opening in the upper portion, rather the opening is provided at the lower portion at element 44. Therefore, claim 25 does not read on Gil and is not anticipated thereby.

Claims 26-28 depend from claim 25 and therefore are not anticipated by Gil for at least the reasons stated above with reference to claim 25. Claim 28 further requires that the

valve member "has a depending skirt portion that abuts the valve seat in the closed position." The depending portion of element 54 does not abut the valve seat and therefore claim 28 is not anticipated thereby.

Claim 31 has been canceled by this paper.

Claim 32 has been amended to depend from claim 37, which the Examiner has indicated would be allowable if rewritten in independent form. Since claim 37 has been rewritten in independent form as suggested by the Examiner, claim 32 is not anticipated by Gil.

Claim 33 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 requires:

wherein the said body defining the opening therein has the form of an inverted cup, with said main valve member having a cup-like form with an upper edge slidably received within said body.

Element 54 of Gil does not have a cup-like form and therefore claim 33 is not anticipated thereby.

Claims 34 and 35 depend from claim 33 and therefore are not anticipated by Gil for at least the reasons stated above with reference to claim 33.

Applicant respectfully asserts that the rejected claims are not anticipated by the cited references and therefore respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. § 102(b).

***Claim Rejections 35 U.S.C. § 103***

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gil in view of Hudson. However, claim 19 now depends from claim 24, which the Examiner indicated as being allowable if rewritten in independent form. Claim 24 has been rewritten as suggested by the Examiner, and claim 19 is allowable for at least the reasons stated above with reference to claim 24.

The Examiner has rejected claims 9 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Gil in view of Bartos et al.

Claim 9 depends from claim 7, which requires:

wherein the valve member is generally in the form of an upturned cup having an upper face disposed within the chamber-defining member and exposed to pressurized fluid on opening of the secondary valve, and a depending skirt at least a lower region of which protrudes from the chamber-defining member into the main fluid passageway in the closed position.

Gil and Bartos alone or in combination fail to teach or suggest valve member is in the form of an upturned cup with an upper face and a depending skirt. Accordingly, claim 9 is nonobvious over these references.

Claim 23 depends from claim 21. Gil and Bartos alone and in combination fail to teach or suggest a "cup-like member slidably disposed within the mouth of the inverted cup-like body with a lower periphery extending into said main fluid passageway and abutting the valve seat in the closed position." Therefore, claim 23 is nonobvious over the cited references.

Applicant respectfully requests that the Examiner withdraw the rejections of claims under 35 U.S.C. § 103(a).

***Allowable Subject Matter***

Applicant appreciates the Examiner's indication that claims 10, 17, 22, 24, 29-30 and 36-42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claims 17, 22, 24 and 37 as suggested by the Examiner. Applicant has not amended claims 10, 29, 30, 36 and 38-42 as suggested by the Examiner at this time, because Applicant asserts that these claims depend from claims that are in allowable form.

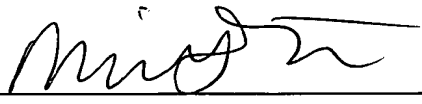
***Conclusion***

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

A check in the amount of \$540.00 is enclosed to cover the Petition fee of \$110.00 and the additional claims filing fee of \$430.00. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

**Yet Chan**

By   
Michael D. Turner  
Reg. No. 52,306  
Attorney/Agent for Applicant

Date: 7/7/04

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351